

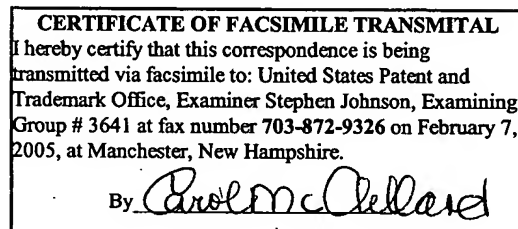


**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

In re Appln of: DAVENPORT, et al. Atty. Docket: ITI001CON
Title: MOUNTING ASSEMBLY FOR A WEAPON ACCESSORY
Serial No.: 10/799,330 Art Unit: 3641
Filed: March 12, 2004 Examiner: Johnson, Stephen
Customer No: 32047

Mail Stop: Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:



AMENDMENT PURSUANT TO 37 CFR 1.111

This is in response to the non-final office action mailed September 9, 2004. A petition for a two-month extension of time, along with the fee therefor, is enclosed to extend the shortened statutory term for response from December 9, 2004 to February 9, 2004. Applicants believe that no additional extension of time is required. However, Applicants conditionally petition for an extension of time to provide for the possibility that the need for such a petition has been inadvertently overlooked. As provided below, please charge Deposit Account No. 50-2121 for any required fee.

Please amend the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

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Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A mounting assembly for mounting an accessory to a weapon frame having at least a first slot formed in a first side of said weapon frame and a second slot formed in a second side of said weapon frame, said mounting assembly comprising:

a body;

a first jaw adjacent a first side of said body and a second jaws adjacent a second side of said body on opposing sides of said body, said first jaw having an engagement portion dimensioned to engage said first slot and said second jaw having an engagement portion dimensioned to engage said second slot; and

a first spring biasing member, said first spring being adjacent said first side of said body with said first jaw disposed between said first slot and said first spring, said first spring being configured to provide a biasing force against said first jaw to force said engagement portion of said first jaw into said first slot, and a second spring biasing member, said second spring being adjacent said second side of said body with said second jaw disposed between said second slot and said second spring, said second spring being configured to provide a biasing force against said second jaw to force said engagement portion of said second jaw into said second slot.

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2. (Cancelled).

3. (Currently Amended) The mounting assembly of claim 12, wherein each said spring is at least partially disposed in said body and has a finger configured to contact an associated portion of said body to prevent said spring from traveling out of said body.

4. (Currently Amended) The mounting assembly of claim 12, wherein each said spring has an angled protrusion configured to contact an associated portion of said body to lock said spring in said body.

5 – 11 (Canceled)

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REMARKS

This is in response to the Official Action dated September 9, 2004. Reconsideration and allowance of the present application are respectfully requested.

Claim Amendments

Independent claim 1 has been amended to incorporate the limitations of claim 2 and to require that the claimed jaws are positioned between the claimed "spring" and slots. Claim 2 has been cancelled, and claims 3-4 have been amended to depend from claim 1. Support for these amendments may be found throughout the specification and drawings, e.g. in FIG. 2, page 5, lines 22-23, etc. No new matter has been added.

35 U.S.C. §102 Rejections

Claims 1-4 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Lin et al. (U.S. Patent No. 6, 438,888). Applicants respectfully traverse this rejection.

Lin et al. teaches a fixture including an "elastic clipping seat 30, a fixing sheath 40 and a pair of releasing plates 35." Col. 2, lines 63-65. "A flange 32 is formed at each inner surface of each side of the elastic sheet (sic) 30." Col. 3, lines 1-2. The fixture is assembled to a pistol, "by aiming the opening 36 of the elastic clipping seat 30 at the wedging grooves 55 on either side of the pistol 50[s], and lifting the fixing rack upwardly while flexing the press plates 34 away from each other (e.g. by pressing press plates 35), so that the opening 36 is widened for the flanges 32 to slip into the wedging grooves 55 to be secured to the pistol." Col. 3, lines 45-51. "[S]ince the width of opening 36 is normally smaller than the width of the bottom edge of the pistol 50, the flanges 32 will be biased inside the wedging grooves 55 to secure and grip the pistol 50." Col. 3,

lines 51-55 (emphasis added). In Lin, therefore, the fixing seat 30 acts as a biasing member and a portion of the biasing member, i.e. the flanges 32, are biased inside the grooves 55 of the pistol.

In contrast, amended claim 1 requires first and second jaws and, separately, first and second "springs." The first spring is "adjacent said first side of said body with said first jaw disposed between said first slot and said first spring, said first spring being configured to provide a biasing force against said first jaw to force said engagement portion of said first jaw into said first slot." The second spring is "adjacent said second side of said body with said second jaw disposed between said second slot and said second spring, said second spring being configured to provide a biasing force against said second jaw to force said engagement portion of said second jaw into said second slot."

There is simply nothing in Lin et al. that teaches separate jaws and "springs", or that the jaws should be disposed "between" associated springs and slots for forcing the jaws into the slots, as specifically required by claim 1. The Examiner suggests that portions 32 and 34 of the biasing seat 30 of Lin are "biasing members", and that portions 35/355 are jaws. Official Action of September 9, 2004, ¶2. Applicants note that portions 32 and 34, alone, are not "springs" as required by claim 1. Even with the Examiner's interpretation, however, Applicants note that the biasing seat 30 is not disposed between the jaws and slots, as required by claim 1.

Since Lin et al. fails to teach or suggest, either explicitly or implicitly, essential limitations of amended claim 1, Applicant respectfully submit that the rejection of claim 1 under 35 USC § 102(e) cannot stand. Claim 2 has been cancelled, rendering the rejection thereof moot. Claims 3-4 depend from claim 1. These claims are in condition for allowance by virtue of their dependency for the reasons adduced above, as well as for their own limitations. Accordingly,

Applicant respectfully requests that the rejection of claims 1-4 under 35 U.S.C. § 102(e), as being anticipated by Lin et al. be withdrawn upon reconsideration.

Claim 1 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Johnson et al. (U.S. Patent No. 5,033,219). Applicants respectfully traverse this rejection.

Johnson teaches a modular laser aiming system including a scope ring 165 including "a lower shell 168 and a cooperating upper shell 173 adjustably joined by two pairs of bolts 175." Col. 8, lines 64-66. "Lower shell 168 comprises a base 177 angularly configured as module bases 65,113 to slidably couple to mount 42 and receive clamps 150." Col. 8, line 66 to Col. 9, line 1. "The clamps 150 are secured to the bolts 175A which extend through the base 177." Col. 9, lines 1-2. (emphasis added)

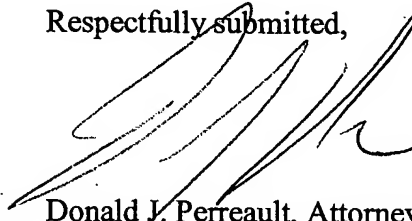
Applicants find nothing in Johnson that teaches or suggests, either implicitly or explicitly, separate jaws and "springs", or that the jaws should be disposed "between" associated springs and slots for forcing the jaws into the slots, as specifically required by amended claim 1. In fact, the Examiner suggests only that bolts 175A are "biasing members", and has not identified any "springs" as required by amended claim 1. As such, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(b), as being anticipated by Johnson et al. be withdrawn upon reconsideration.

In light of the foregoing remarks, it is believed that all of the presently pending claims are in a condition for allowance. Allowance of the application is respectfully requested. In the event the Examiner deems personal contact desirable in disposition of this application, the Examiner is respectfully requested to call the undersigned attorney at (603) 668-6560.

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No fees are believed to be due. In the event there are any fee deficiencies, please charge them (or credit any overpayment) to our Deposit Account No. 50-2121.

Respectfully submitted,



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